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Letter dated 4 January 2012 from the Permanent Representative of Serbia to the United Nations addressed to the Chair

I have the honour to forward, enclosed herewith, information updating the national report of the Republic of Serbia on the national activities regarding the implementation of Security Council resolution 1540 (2004) (see annex).

(*Signed*) Feodor **Starčević**
Permanent Representative

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Annex to the letter dated 4 January 2012 from the Permanent Representative of Serbia to the United Nations addressed to the Chair

Information updating the national report of the Republic of Serbia (2008) on the national activities regarding the implementation of Security Council resolution 1540 (2004)

The Republic of Serbia shares the common values and goals regarding the prevention of the challenges of the new risk of proliferation. Our activities are concentrated on the full implementation of international commitments and on taking action nationally to improve our overall capacity aimed at combating these threats and risks.

Serbia continues to support overall international efforts and activities aimed at preserving international security through non-proliferation, arms control and disarmament.

Since the completion of the second phase of the Vinca Institute Nuclear Decommissioning (VIND) project in 2010, Serbia has not possessed on its territory highly enriched uranium and plutonium which were transferred to the Russian Federation as the State of origin. Through the VIND project, Serbia continues to provide, in the best way, its contributions to the efforts of the international community to prevent the proliferation of weapons of mass destruction.

Serbia is a party to all relevant international non-proliferation treaties and conventions as well as other international initiatives such as the Global Initiative to Combat Nuclear Terrorism, the Proliferation Security Initiative and other instruments. Serbia has started the procedures to regulate its status in international export control regimes such as the Wassenaar Arrangement, Nuclear Suppliers Group and others.

Since its last report, submitted in June 2008 to the 1540 Committee, the Republic of Serbia has undertaken the following activities with the aim of innovation in terms of its legislation, standards and practices regarding the implementation of resolution 1540 (2004):

I

(a) The new Law on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction was adopted by the National Assembly (the Parliament) of the Republic of Serbia on 11 May 2009 (*Official Journal of the Republic of Serbia* No. 36/09), and entered into force on 23 May 2009, thus entirely replacing the previous Law on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted in 2005. The new Law is designed to facilitate the implementation of the Chemical Weapons Convention. In addition, provisions on the privileges and immunities of the Organization for the Prohibition of Chemical Weapons (OPCW) and its officials are contained in the Agreement between the Republic of Serbia and the OPCW on the privileges and immunities of the OPCW, signed at The Hague on 7 March 2008 and ratified by Serbia (*Official Journal of the*

Republic of Serbia No. 42/09). Therefore, the comprehensive nature of the Serbian legislation regarding the implementation of the Convention can be understood only through the application of the above-mentioned laws and instruments;

(b) In accordance with the relevant decisions and recommendations of the previous Review Conference of the Parties to the Biological Weapons Convention, the Parliament of Serbia adopted on 29 May 2009 (*Official Journal of the Republic of Serbia – International Treaties* No. 42/09) the Law on the withdrawal of the reservation to the 1925 Geneva Protocol, i.e., the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous and Other Gases, and of Bacteriological Methods of Warfare;

(c) The Parliament of the Republic of Serbia adopted on 17 November 2011 the Framework Law on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction (*Official Gazette of the Republic of Serbia* No. 87/11 of 21 November 2011). The aim of the Law is to reiterate again our commitments related to full implementation of the obligations under the Biological Weapons Convention. Also, this Law obliged the relevant ministries to restart the preparations for the adoption of a new Law, in line with the fulfilment of new international standards and means for the implementation of the Biological Weapons Convention;

(d) Provisions concerning criminal offences relevant to the sanctions imposed by international organizations are contained in the latest revision of the Criminal Code of Serbia:

(i) Article 384a of the Criminal Code of Serbia, which entered into force on 8 August 2009 (*Official Journal of the Republic of Serbia* No. 72/09), and reads as follows: (1) "Whoever contrary to the decisions of international organizations of which Serbia is a member and which are binding on Serbia, its citizens and legal entities registered in its territory, and to which certain restrictions in terms of economic operations with certain countries or territories are introduced, imports, exports, transports or brokers the transfer of goods, or provides technical support, transfer of technology and know-how, or otherwise acts contrary to the established prohibitions, shall be punished by imprisonment from three months to three years and fined. (2) If the criminal offence specified in paragraph 1 of this Article resulted in material loss to Serbia or harmful consequences are caused to the reputation and interests of Serbia, the offender shall be punished by imprisonment from one to eight years and a fine";

(ii) Former article 348 of the Criminal Code, "Illegal Possession of Weapons and Explosive Materials", was amended in 2009 to "Illegal Manufacture, Possession and Sale of Weapons and Explosive Materials";

(iii) Former article 377 of the Criminal Code, "Unlawful Production of Forbidden Weapons", was amended in 2009 to "Unlawful Production, Trading and Keeping of Forbidden Weapons", and criminal sanctions have increased;

II

(e) The Republic of Serbia has taken comprehensive measures at the national level in order to enhance the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons:

(i) On 3 July 2009, during the visit of Mr. Mohamed ElBaradei, at that time the Director General of the International Atomic Energy Agency (IAEA), the Additional Protocol to the Safeguards Agreement pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons was signed. By signing the Protocol, Serbia has shown its commitment to be a part of the international efforts for controlling the proliferation of nuclear materials;

(ii) We have not yet ratified the Additional Protocol as a result of the current lack of technical, financial and personnel capacities. We have intensified our preparations in the training of staff on the implementation of this Protocol;

(iii) In that sense, the United States Department of Energy has provided us help within its Additional Protocol Technical Assistance Programme. The first workshop on the preparation for the implementation was held in Belgrade from 11 to 13 July 2011;

(f) The Law on Protection against Ionizing Radiation and on Nuclear Security (*Official Journal of the Republic of Serbia* No. 36/09) was adopted on 29 May 2009. The Law provided for the establishment of an independent regulatory Radiation Protection and Nuclear Safety Agency and standardized measures for the protection of the lives and health of people, as well as for environmental protection against the harmful effects of ionizing radiation;

(g) The Serbian Radiation Protection and Nuclear Safety Agency is fully operational as from 2010;

(h) In the area of non-proliferation, the Republic of Serbia has implemented a unique national project for the removal of nuclear materials from its territory (VIND). The international donations received from the IAEA, the United States of America, the Russian Federation, the European Union, the Czech Republic and Slovenia were very important:

(i) The second-largest transport of nuclear material from Serbia to Russia took place in November/December 2010. Within the VIND project, 8,030 fuel elements with low and highly enriched uranium were transferred to the Russian Federation as the State of origin. It was a very complex task from technological, safety, security and financial points of view;

(ii) Through the realization of the most complex phase of the VIND project, Serbia has joined the group of 19 countries no longer having enriched uranium on their territories. We are very proud of the fact that we have made a concrete contribution to combating nuclear terrorism and that we are becoming a nuclear-safe country;

(iii) In this way, Serbia is a part of the world programme on reducing the threat of terrorism. More than 130 countries are taking part in this project;

III

(i) On 10 April 2008, the Government adopted the conclusion to commence the negotiation mechanism for the accession of the Republic of Serbia to the international regimes of arms and dual-use goods control (the Wassenaar Arrangement, Australia Group, the Nuclear Suppliers Group and the Missile Technology Control Regime):

(i) The application for membership was submitted to the Wassenaar Arrangement in 2009, which appointed the United States of America and the United Kingdom as the co-reporters. The intensive talks were held in Belgrade on 24 and 25 March 2010 and in Vienna on 22 February and 17 June 2011;

(ii) The plenary session on the working group for the membership was held on 13 October 2011. Serbia made a presentation on its national legislation, standards and practice on export control. These talks confirmed that there was good cooperation and facilitated the exchange of information regarding the improvement of national measures in the area of export control;

(j) Regarding the Control List, the Government of the Republic of Serbia adopted the new Common Military List on armaments and equipment, which is harmonized with the European Union Common Military List (*Official Gazette of the Republic of Serbia* No. 53/11 of 20 July 2011), adopted by the Council of the European Union on 2010 (equipment covered by Council Common Position 2008/944/CFSP defining common rules governing the control of the export of military technology and equipment). Also, the Government adopted the new Control List on dual-use items (*Official Gazette of the Republic of Serbia* No. 53/11 of 20 July 2011), which is in accordance with the draft European Union list of dual-use items 2010;

(k) The preparations for the adoption of the new law on foreign trade in armaments and equipment and the new law on dual-use goods are under way;

IV

(l) The Republic of Serbia has been in communication with the Organization for Security and Cooperation in Europe (OSCE) adviser on resolution 1540 (2004) regarding OSCE activities in support of the regional implementation of resolution 1540 (2004);

(m) A draft national action plan for Serbia has been submitted by the OSCE adviser on resolution 1540 (2004). We see this draft document as a set of useful guidelines which can help to accelerate our work on the adoption of the national action plan. On this issue, we are also continuing our commitment and dialogue with the 1540 Committee experts with a view to completing this document;

V

(n) The Republic of Serbia is in the final stages of the preparation of its new report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001, on the implementation of that resolution;

(o) The Ministry of Finance issued the Book of Regulations on the cross-border transfer of currency and the declaration of other bearer-negotiable instruments (published in *Official Gazette* No. 78/2009);

VI

(p) The draft Law on International Restrictive Measures has been prepared and is in the final stage of editing. The draft was verified by European Union experts;

VII

(q) The regional approach is a very important aspect of cooperation on non-proliferation. Serbia has been taking significant steps in this regard. The region of the Western Balkans as a whole has improved very much in this regard through cooperation on various security issues;

(r) On 29 and 30 March 2010, the Republic of Serbia hosted the first regional seminar on the export control of nuclear material, organized in cooperation with the Republic of Hungary, which at the time was Chair of the Nuclear Suppliers Group;

(s) The First Regional Workshop for South-East Europe on the Seventh Review Conference of the Parties to the Biological Weapons Convention was held in Belgrade on 1 and 2 November 2011;

(t) On 3 and 4 November 2011, an assistance mission of the European Union and the United Nations Office for Disarmament Affairs held a meeting with Serbian officials to review and evaluate measures undertaken to implement the obligations under the Biological Weapons Convention;

(u) We focused particular attention on the activities within the Chemical, Biological, Radiological and Nuclear (CBRN) Project;

(v) At the subregional level, we have achieved excellent results in cooperation on export control. The South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, with the support of the United Nations Development Programme and the European Union, is very effectively coordinating projects on improving regional cooperation in this field.